

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9023 – SB 9064**

October 27, 2021

**SUMMARY OF BILL:** Creates the *COVID-19 Health Care Liberty Jurisdiction Act*.

Prohibits an employer or any place of public accommodation, resort or amusement from requiring a person to submit or consent to or receive a subcutaneous injection of one or more drugs related to COVID-19 that are approved based on a surrogate endpoint evaluation rather than a clinical evaluation.

Expands the list of prohibited acts under the Tennessee Food, Drug and Cosmetic Act to include: (1) the suggestion by any person that a person is or may be required by a rule, regulation, or policy of the federal government to submit or consent to or receive a subcutaneous injection of one or more drugs related to COVID-19, particularly as a condition of continued employment or of engaging in any economic or commercial activities carried on in this state; and (2) the manufacture, sale, delivery, holding, or offering for sale, or the administration of any one or more drugs related to COVID-19 as a vaccine unless it stimulates a person's immune system to produce immunity to COVID-19 such that a person can be exposed to it without becoming infected with COVID-19.

Establishes that any injury to or economic loss suffered by an employee resulting from an employer-mandated subcutaneous injection of one or more drugs related to COVID-19 does not apply to the Worker's Compensation Law.

Establishes that informed consent for health care is not obtained for a subcutaneous injection of one or more drugs related to COVID-19 if: (1) the healthcare provider knows or reasonably should know that the patient has requested the injection because the patient believes it is or may be required as a condition of employment or by a rule, regulation, or policy of the federal government imposed upon the patient's employer; or (2) the healthcare provider, in the presence of the patient, describes, refers to, or implies that the injection is a vaccine or will protect the plaintiff from contracting COVID-19, or any variant thereof, if exposed to COVID-19. Provides exception for if the healthcare provider obtains a written statement from the patient that specifies: (1) that the injection is not related to a requirement of an employer or a condition of employment; and (2) that the patient has been informed by the healthcare provider that the injection is not a vaccine that will protect the patient from contracting COVID-19.

## ESTIMATED FISCAL IMPACT:

**Other Fiscal Impact – Federal funding could be jeopardized. The amount and timing cannot be determined with reasonable certainty.**

Assumptions:

- The U.S. Supreme Court issued a ruling on February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- Based on information provided by the Administrative Office of the Courts, any increase in civil actions filed in the state and local court system can be accommodated utilizing existing court resources.
- If the proposed legislation prohibits a state or local entity or private business from adhering to any federal regulations or mandates, federal funding could be jeopardized. The amount of federal funding in jeopardy cannot be determined with reasonable certainty.
- The Department of Health reports approximately \$5,000,000 in recurring and \$132,000,000 in non-recurring federal funds could be in jeopardy as a result of the proposed legislation.
- Based on information provided by the Bureau of Workers' Compensation, this legislation is not estimated to have any significant impact on total workers' compensation cases handled by the Bureau.

## CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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